



**CITY COUNCIL
ATLANTA, GEORGIA**

A RESOLUTION BY

01- R-1484

FINANCE/EXECUTIVE COMMITTEE

A RESOLUTION TO AUTHORIZE PAYMENT OF STIPULATED PENALTIES IMPOSED BY THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY (EPA) AND THE GEORGIA ENVIRONMENTAL PROTECTION DIVISION OF THE DEPARTMENT OF NATURAL RESOURCES OF THE STATE OF GEORGIA (EPD) IN THE AMOUNT OF ONE HUNDRED FORTY-SIX THOUSAND AND 00/100 (\$146,000.00) FOR DISCHARGES FROM THE CITY OF ATLANTA'S WASTEWATER FACILITIES PURSUANT TO THE FIRST AMENDED CONSENT DECREE, CIVIL ACTION FILE NO. 1:98-CV-1956-TWT, AND THE DEMAND FOR STIPULATED PENALTIES DATED AUGUST 3, 2001, FOR THE PERIOD JANUARY 1, 2001 TO MARCH 31, 2001; TO IDENTIFY THE SOURCE OF FUNDING; AND FOR OTHER PURPOSES.

WHEREAS, during the period from January 1, 2001 to March 31, 2001, the City experienced 163 discharges from its wastewater facilities, of which 148 were discharges to waters and 15 were discharges to dry land having a total estimated volume of 247,364 gallons or more; and

WHEREAS, during the same period there were 12 overflows on record which were not included in the Quarterly Report and allegedly constitute the failure to report as required by Section VIII.E.1(m) of the First Amended Consent Decree; and

WHEREAS, these discharges and alleged failures to report are being assessed stipulated penalties in the amount of \$146,000.00 imposed at the discretion of the Georgia Environmental Protection Division of the Department of Natural Resources of the State of Georgia (EPD) and the United States Environmental Protection Agency (EPA) pursuant to the First Amended Consent Decree, Civil Action File No. 1:98-cv-1956-TWT, and the Demand for Stipulated Penalties dated August 3, 2001; and

WHEREAS, the Department of Public Works of the City does not dispute the fact that these discharges and failure to report did occur; and

WHEREAS, the payment to EPA and EPD of this assessment by the City does not constitute a finding or adjudication, is not to be evidence of a violation of state or federal laws by the City, nor does the City by its consent agree to any violations of state or federal laws or admit any liability to any third party or parties; and

WHEREAS, funds for this purpose are available in account number 2J01-529017-M51001; and

WHEREAS, the total amount of the stipulated penalty of \$ 146,000.00 is to be divided equally between EPA and EPD pursuant to the First Amended Consent Decree; and

WHEREAS, it is deemed to be in the interest of the City to accept the proposed stipulated penalties and to pay the incident assessments to them.

NOW, THEREFORE, BE AND IT IS RESOLVED BY THE COUNCIL OF THE CITY OF ATLANTA, as follows:

Section One: That the Chief Financial Officer of the City is authorized to issue a check in the amount of Seventy-Three Thousand and 00/100 Dollars (\$73,000.00) payable to the **Treasurer, the United States of America** as a stipulated penalty imposed at the discretion of the United States Environmental Protection Agency;

Section Two: That the Chief Financial Officer of the City is authorized to issue a check in the amount of Seventy-Three Thousand and 00/100 Dollars (\$73,000.00) payable to the **State of Georgia** as a stipulated penalty imposed at the discretion of the Georgia Environmental Protection Division of the Department of Natural Resources of the State of Georgia;

Section Three: That the said payments be chargeable to Account Number 2J01 529017 M51001.

A true copy,

Rhonda Daughia Johnson
Municipal Clerk, CMC

ADOPTED as amended by the Council
RETURNED WITHOUT SIGNATURE OF THE MAYOR
APPROVED as per City Charter Section 2-403

SEP 17, 2001

SEP 26, 2001

RCS# 3133
9/17/01
7:43 PM

Atlanta City Council

Regular Session

01-O-1484 \$146,000.00 for stipulated penalties
 re. wastewater facilities
 ADOPT / *As Amended*

YEAS: 11
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 4
EXCUSED: 1
ABSENT 0

NV McCarty	Y Dorsey	Y Moore	Y Thomas
Y Starnes	Y Woolard	NV Martin	Y Emmons
Y Bond	Y Morris	E Maddox	Y Alexander
NV Winslow	Y Muller	Y Boazman	NV Pitts

01-1484

(Do Not Write Above This Line)

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ADOPTED BY
SEP 17 2001

COUNCIL

- ☐ CONSENT REFER
☐ REGULAR REPORT REFER
☐ ADVERTISE & REFER
☐ 1st ADOPT 2nd READ & REFER
☐ PERSONAL PAPER REFER

Date Referred

Referred To:

Date Referred

Referred To:

Date Referred

Referred To:

First Reading

Committee

Date

Chair

Referred to

Committee

Date

Chair

Action:

Fav, Adv, Hold (see rev. side)

Other:

Members

Refer To

Committee

Date

Chair

Action:

Fav, Adv, Hold (see rev. side)

Other:

Members

Refer To

Committee

Date

Chair

Action:

Fav, Adv, Hold (see rev. side)

Other:

Members

Refer To

Committee

Date

Chair

Action:

Fav, Adv, Hold (see rev. side)

Other:

Members

Refer To

FINAL COUNCIL ACTION

☐ 2nd ☐ 1st & 2nd ☐ 3rd

Readings

☐ Consent ☐ V Vote ☐ RC Vote

CERTIFIED

CERTIFIED
SEP 17 2001

ATLANTA CITY COUNCIL PRESIDENT

Robert A. Parker

CERTIFIED
SEP 17 2001

DEPUTY MUNICIPAL CLERK

MAYOR'S ACTION

APPROVED

SEP 26 2001

WITHOUT SIGNATURE
BY OPERATION OF LAW